IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

COMPANY PETITION NO.402 OF 2003

M/s.Dharamsi Morarji Chemical
Co. Ltd. Petitioner

vs.

M/s.Shree Mahesh Chemicals Ltd. Respondent

Mr.Neeraj Singh i/by. M/s.Shreji Lal for the petitioenr.

CORAM : ANOOP V. MOHTA,J.

DATED : 17th August, 2007

P.C.

The petitioner has invoked Sections 433 and 434 of the Indian Companies Act, 1956, as the respondent-company though served with statutory notice, failed to make the payment of Rs.46,42,933/- along with 24% interest from September, 2000. The respondent-company has not even replied to the said statutory notice dated 30.3.2002. Therefore, the present petition. In the present case, as noted in the order dated 3.3.2004 as the respondent refused to accept the service and as that is good service and that even after acknowledging the claim as the respondent-company failed to make that payment, this Court has admitted the petition and directed the petitioner to advertise in accordance with law. The petitioner, based upon the same, has advertised the petition. Affidavit of service

dated 3.3.2004 and affidavit of advertisement dated 28.3.2004 are on record.

2. As noted, none appeared for the respondent-company even after service. The matter is listed today under the caption "for final hearing". Till this date there is no appearance on behalf of the company. There is no response to the averments made by the petitioner. The result is that the case as put up by the petitioner of the amount due and payable as reflected above remained uncontroverted. The said claim is also within limitation. There is no dispute whatsoever nature raised in the petition and even otherwise about the transaction as well as the amount claimed.

3. Resultantly, the petition is allowed in terms of prayers (a) and (b). No costs.

[ANOOP V. MOHTA,J.]